

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 96-245

June 22, 1999

R. BOYD THOMPSON ET AL V. BANGOR  
HYDRO-ELECTRIC COMPANY, Request for  
Commission Investigation into Power Outages  
and Low Voltage for the Residents of Newbury  
Neck Road and Beyond

ORDER APPROVING  
PARTIAL STIPULATION

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

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On June 19, 1996, in response to a 10-person complaint, the Commission opened an investigation into the quality of electric service provided by Bangor Hydro-Electric Company (BHE) to customers located in the Newbury Neck region of the Town of Surry. The investigation was initiated in response to allegations of substandard service, specifically the repeated occurrence of power outages and voltage irregularities. A public hearing was held in Blue Hill on May 16, 1997. Following an additional public meeting in Blue Hill and several negotiating sessions among the parties, a proposed stipulation (attached as Exhibit A) was agreed to by most of the parties. The proposed stipulation was filed with the Commission on November 4, 1997, but no action was taken with regard to its approval. The parties continued, however, to abide by the terms of the stipulation as if it had been approved by the Commission, including the hiring of the electrical engineering firm E/PRO to independently evaluate BHE's distribution system in the Newbury Neck area.

Over the following year, the service quality appeared to improve for many Newbury Neck customers. Recently, however, widespread voltage fluctuations appear to have returned. In response to the renewed complaints from Newbury Neck customers, BHE and the customers agreed to an "addendum" to the original stipulation. A copy of the proposed addendum is attached as Exhibit B.

In the addendum, the parties agree that service quality problems continue to exist in the Newbury Neck area. In an effort to identify the existence and causes of these persistent problems, the parties agree to have the Commission select a second independent electrical engineer (to be paid by BHE) to review the voltage irregularities occurring in the Newbury Neck distribution system. The independent expert would report back by October 1, 1999, identifying any aspect of service in the Newbury Neck area that is substandard and suggesting possible remedies.

The addendum also provides for a 6-month observation period, beginning May 1, 1999. BHE will continue to file the monthly reports required by the original stipulation.

After November 1, 1999, the parties will meet and discuss any remaining issues. The proposed addendum does not permit the Commission to close this docket; parties remain free to propose additional measures after the close of the observation period. All parties to the proceeding have signed the proposed stipulation, except Ms. Donna Robinson, who has filed a statement with the Commission reciting her objections to the proposal.

We have reviewed the proposed Stipulation in this matter and find the Stipulation meets the criteria for our approval and represents a fair and reasonable resolution of the issues raised in this proceeding. Specifically, the parties to the stipulation represent a broad spectrum of interests; the process leading to the stipulation was fair to all parties; and the stipulated result is reasonable and is not contrary to legislative mandate.

Although we are sensitive to Ms. Robinson's frustration concerning the ongoing service quality problems in the Newbury Neck area, we must also recognize that the problems have been difficult to identify and resolve and that BHE has undertaken substantial efforts to address them. The Newbury Neck line is located at the end of a circuit, which creates a higher potential for line problems than other locations. The area is also largely rural in character with many untrimmed private lines connecting to BHE's facilities. These factors contribute to the higher likelihood of service quality problems and greater difficulty in addressing those problems. Nonetheless, the continuing problems experienced by Newbury Neck residents justify additional investigation and the expenditure of additional resources to attempt to find solutions. The proposed stipulation is a reasonable plan to continue the efforts to identify and resolve the ongoing voltage problems.

Although we approve the stipulation as submitted, we also recognize the validity of additional concerns raised by Ms. Robinson in her submission. First, we agree with Ms. Robinson on the need for the timely and complete submission of BHE's service quality reports for the Newbury Neck region. We strongly encourage BHE to supply the missing reports for the November 1998 to March 1999 period and to ensure that future reports are submitted to the Commission and all parties in a timely manner. Second, we find merit in Ms. Robinson's request that the monitoring period include the months of March and November, historically the months with the most problems. We thus encourage the parties to consider extending the study period through the month of November, unless all parties are satisfied that the data from earlier months are adequate. The Commission would consider the parties' voluntary compliance with these suggestions very helpful in its future consideration of the issues raised by this case.

Accordingly, we

O R D E R

1. That the Stipulation filed in this case and attached to this Order as Appendix A, as amended by the Addendum attached as Appendix B, is approved and incorporated into this Order; and
2. That the Commission's Staff, in consultation with the parties, immediately initiate efforts to select the electrical engineering consultant called for under the Stipulation.

Dated at Augusta, Maine this 22nd day of June, 1999.

BY ORDER OF THE COMMISSION

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Raymond Robichaud  
Assistant Administrative Director

COMMISSIONERS VOTING FOR:      Welch  
   Nugent  
   Diamond

## NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of adjudicatory proceedings are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 6(N) of the Commission's Rules of Practice and Procedure (65-407 C.M.R.11) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which consideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320 (1)-(4) and the Maine Rules of Civil Procedure, Rule 73 et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320 (5).

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The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.